

ORDINANCE NO. 90- 46

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING PALM BEACH COUNTY ORDINANCE NO. 75-23; PROVIDING FOR THE HOURS OF SALE OF ALCOHOLIC BEVERAGES; AUTHORIZING THE ISSUANCE OF SPECIAL PERMITS TO ALLOW THE SALE, CONSUMPTION AND SERVICE OF ALCOHOLIC BEVERAGES FROM 12:00 P.M. SUNDAY TO 5:00 A.M. MONDAY AT STATE LICENSED PARI MUTUAL EVENTS; PROVIDING FOR AUTHORITY; PROVIDING FOR INCLUSION IN CODE OF LAWS AND ORDINANCES; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, certain pari mutual enterprises licensed by the State of Florida are permitted to conduct these events commencing at 12:00 p.m. on Sunday; and

WHEREAS, Section 3.2(1) of the Palm Beach County Code (Ordinance No. 75-23) prohibits the sale, consumption and service of alcoholic beverages on Sunday prior to 2:00 p.m.; and

WHEREAS, Section 562.14, Florida Statutes, authorizes Palm Beach County to regulate and set the business hours and time wherein alcoholic beverages may be sold, consumed and served in the unincorporated area of the County; and

WHEREAS, it is appropriate to provide for a Special Permit to authorize the sale, consumption and service of alcoholic beverages from 12:00 p.m. on Sunday at authorized pari mutual events.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Palm Beach County, Florida, that:

Section 1. Palm Beach County Ordinance No. 75-23 is hereby amended to add a new subsection to Section 2 to read as follows:

SPECIAL PERMITS

Notwithstanding the foregoing provisions of this Section, application may be made for a Special Permit to commence the sale, consumption, or service of alcoholic beverages at 12:00 p.m. Sunday to 5:00 a.m. Monday by establishments licensed by the State of Florida to conduct pari mutual events at 12:00 p.m. on Sundays. A special permit valid for one (1) year shall be issued upon receipt of a non-refundable application fee of One Hundred and Fifty Dollars (\$150.00) to defray the costs of issuance and regulation of such permits and a certified copy of the State of Florida license

permitting pari mutual events on Sundays. Special permits may be renewed annually in the same manner as provided for initial issuance. Special Permits shall be valid only so long as the applicant's State license permitting pari mutual activities on Sundays shall remain valid. The County Administrator or his designee shall be responsible for administering the provisions of this Subsection.

Section 4. REPEAL OF LAWS IN CONFLICT

All ordinances applying to Palm Beach County in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 5. SEVERABILITY

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

Section 6. INCLUSION IN THE CODE OF LAWS AND ORDINANCES

The provisions of this Ordinance shall become and be made a part of the code of laws and ordinances of Palm Beach County, Florida. The Sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Section 7. EFFECTIVE DATE

The provisions of this Ordinance shall become effective upon receipt of acknowledgement by the Secretary of State.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on the 20th day of November, 1990.

JOHN B. DUNKLE, CLERK
Board of County Commissioners

By Joan Haverly
DEPUTY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

W. B. Cook
County Attorney

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

BY Karl Marcus
Chair
NOV 20 1990

Acknowledgement by the Department of State of the State of Florida,
on this, the 30th day of November, 1990.

EFFECTIVE DATE: Acknowledgement from the Department of State
received on the 7th day of December, 1990, at 12:51P m.,
and filed in the Office of the Clerk of the board of County
Commissioners of Palm Beach County, Florida.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, JOHN B. DUNKLE, ex-officio Clerk of the
Board of County Commissioners certify this to
be a true and correct copy of the original filed in
my office on 11/20/90
DATED at West Palm Beach, FL on 12/12/90.
JOHN B. DUNKLE, Clerk

By: *[Signature]* D.C.
Deputy Clerk